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WHY THE NEGRO WAS EN-FRANCHISED

NEGRO SUFFRAGE JUSTIFIED

BY

RICHARD T. HAYS, LL.D.

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WHY THE NEGRO WAS ENFRANCHISED.

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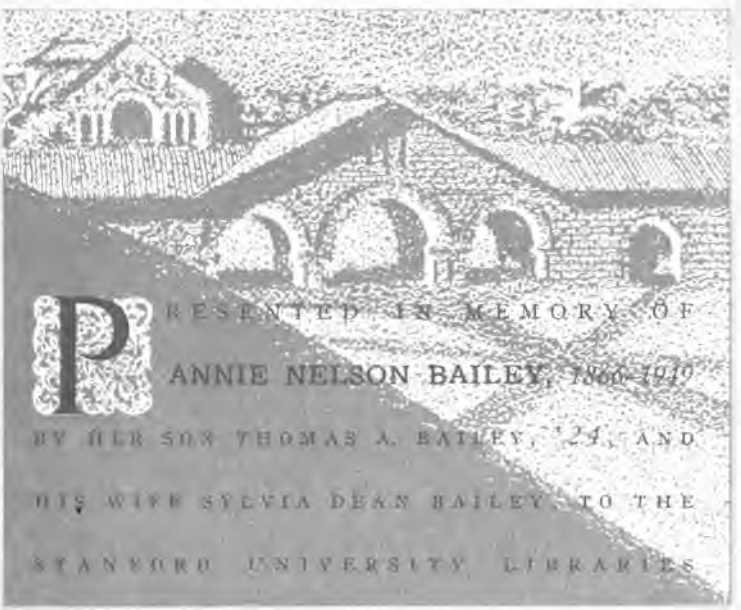
BY

RICHARD P. HALLOWELL.

Published at the Request of Colored Citizens of Boston

BOSTON
GEO. H. ELLIS CO., PRINTERS, 272 CONGRESS STREET.
1903.


PRESENTED IN MEMORY OF
ANNIE NELSON BAILEY, 1866-1919
BY HER SON THOMAS A. BAILEY, '24, AND
HIS WIFE SYLVIA DEAN BAILEY, TO THE
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INTRODUCTION.

The two following letters were published originally in the Boston *Herald*, March 11 and March 26, 1903, respectively, under the titles "Negro Suffrage Defended" and "For Negro Suffrage." After revision, I republish them in the present form for greater ease of distribution and at the request of a number of leading colored citizens of Boston.

I am especially indebted to Mr. Butler R. Wilson, a prominent colored member of the Suffolk Bar of this State, for his examination of Southern legislation with reference to the negro and for other valuable assistance.

RICHARD P. HALLOWELL.

BOSTON, MASS., May 1, 1903.

WHY THE NEGRO WAS ENFRANCHISED.

To the Editor of the Herald :—

The *Herald* of March 4 says editorially: "It is now, we think, generally recognized that a mistake was made at the close of our civil war in according suffrage generally to the emancipated negro"; and on March 6 you say that the federal government could have and should have limited the right to vote "to those who possessed sufficient education to read and write," and that "a slight property qualification . . . without the least discrimination as to color" should have been required.

Apparently, you assume that by your scheme a number of negroes sufficient to have political influence would have been enfranchised, and would have participated in the reorganization of the rebel states. To satisfy you that such an assumption is unwarranted, it should be only necessary to remind you that, up to the close of the civil war, the negroes did not own even the rags that covered them, and had been kept in ignorance through laws that made it a crime to teach them to read and write. Evidently, your plan

would have limited the suffrage, at least through the period of reconstruction and for many years to follow, to white men, and would have left the question of reorganization to be settled exclusively by white men, of whom a vast majority were not only unalterably opposed to the enfranchisement of the negro, regardless of his character or attainments, but who were avowedly determined to hold him in servile subjugation. Whether or no my characterization of the attitude of the confederates toward the negro is justified, you will judge when you have considered the evidence I shall offer.

As a matter of fact, at the close of the civil war, the suffrage was not, as is often assumed, accorded "generally to the emancipated negroes." That was the last, not the first act, in the history of reconstruction. The first act consisted in the establishment of provisional legislatures elected by and composed of white men only. This experiment failed. As soon as the legislatures were convened they enacted atrocious laws applicable especially to the colored race. These laws. regulated the relations between master and servant. The Legislature of Alabama was bold enough to use the term "former owner," when providing for a cruel apprenticeship of minors. In the same state "stubborn and refractory servants" were declared to be "vagrants," to be taken before a jus-

tice of the peace, who could fine them $50; and, in default of payment, they were to be hired out, on three days' public notice, for six months. Laws were ingeniously framed to deprive the colored man of the right to contract for his own labor or to receive the benefits of his daily toil.

The South Carolina Legislature compelled colored men wishing to be mechanics to pay $10 for a license, while for the privilege of being a shop-keeper an annual payment of $100 was demanded. For an extended report of and comment upon this iniquitous legislation, let me refer you to Blaine's "Twenty Years of Congress."* That it fairly represented white public sentiment and that it was intended to accomplish the revival of slavery, so far as it could be revived, there is no room for doubt.

In order to learn existing conditions, in the summer of 1865 President Johnson sent the Hon. Carl Schurz into the southern states on an observation and investigation tour. Mr. Schurz then stood high in the councils of the nation, and his report was accepted as an intelligent and impartial statement. He said, in part, that in his judgment it would "hardly be possible to secure the freedman against oppressive legislation and private persecution, unless he be en-

* For the full text of these laws see McPherson's History of the Reconstruction, pp. 29–44.

dowed with a certain measure of political power." He declared that "the emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up, and although the freedman is no longer considered the property of an individual master, he is considered the slave of society, and all independent state legislation will share the tendency to make him such. The ordinances abolishing slavery passed by the conventions under the pressure of circumstances will not be looked upon as barring the establishment of a new form of servitude." Regarding the loyalty of the white people, Mr. Schurz reported that there was "an entire absence of that national spirit which forms the basis of true loyalty and patriotism." White Southern loyalty, he said, "consists in submission to necessity."

In view of the testimony of Mr. Schurz and much more of like tenor of many others, all of which was fully confirmed by the legislation of the white provisional legislatures, any reconstruction that denied or postponed the right of the freedman to the ballot and restored it to his former master would have been foolish, wicked, and disastrous. This was the judgment of the patriotic statesmen of that era. They represented a vast majority of the people of the North, who were in no mood for trifling, but were resolved that the blood shed and the treasure wasted

by the civil war should be, as far as possible, compensated for by a re-establishment of the Union that would preclude all possibility of another rebellion, based upon a demand for state rights or for slavery in any form. They were resolved that the overthrow of slavery should be complete and final. Congress at once placed the Union men of the South, whether black or white, under the protection of the federal government.

This accomplished, measures were taken to submit the 14th constitutional amendment to the people. By this amendment, the laws through which the provisional governments had attempted to re-enslave the negro were swept away. The freedman was invested with the rights and dignity of a citizen of the United States. He was not enfranchised, but he could no longer be the victim of penal state laws designed to hold him in servile subjugation. The rights and benefits conferred upon him were simply those to which every human being is entitled, whether he be black or white, drunk or sober, criminal or virtuous, ignorant or educated. Had the rebellious states accepted this amendment, Mr. Blaine and other high authorities declare they might have re-entered the Union without further conditions. Tennessee accepted it and was the first to be readmitted. The others, ten in number, through their provisional gov-

ernments, rejected it with contempt. Commenting upon this fatal blunder of the Southern Bourbons, Mr. Garfield, then in Congress and subsequently President of the United States, said:

"I call attention to the fact that from the collapse of the rebellion to the present time, Congress has undertaken to restore the states lately in rebellion by co-operation with their people; and that our efforts in that direction have proven a complete and disastrous failure. . . . The constitutional amendment did not come up to the full height of the great occasion. It did not meet all I desired in the way of guarantees to liberty, but, if the rebel states had adopted it as Tennessee did, I should have felt bound to let them in on the same terms prescribed for Tennessee. I have been in favor of waiting to give them full time to deliberate and to act. They have deliberated. They have acted. The last one of the sinful ten has at last, with contempt and scorn, flung back in our teeth the magnanimous offer of a generous nation. It is now our turn to act. They would not co-operate with us in building what they destroyed. We must remove the rubbish and build from the bottom."

A complete surrender to the southern confederacy being out of the question, our government was confronted with two alternatives,—either to hold the South under military subjection indefinitely or to en-

franchise the negro. At a critical period of the war, we had appealed to him to fight for the life of the nation, and nearly 200,000 of his race had enlisted in the army. Braver or better soldiers never wore the federal military uniform. Again we asked him to help save the Union, not by military service, but by political action. Ignorant he might be, but his loyalty was undoubted and he could be relied upon to bring back the seceding states with governments that would conform to the constitution of the United States and would, so far as law could accomplish it, secure to every inhabitant, black or white, poor or rich, humble or exalted, the rights of a freeman. On the 2d of March, 1867, Congress passed a reconstruction act, of which Sec. 5 reads, in part, as follows:

"That when the people of any one of said rebel states shall have formed a constitution of government in conformity with the constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said state, 21 years old and upward, of whatever race, color or previous condition, . . . and when said state, by a vote of its Legislature elected under said constitution, shall have adopted the amendment to the constitution of the United States proposed by the 39th Congress and known as art. 14, and when said article shall have become a part of the constitution of the United States,

said state shall be declared entitled to representation in Congress," etc., etc. The colored men responded promptly. Conventions were held, constitutions formed and approved by the people, State governments organized, legislatures elected, and the 14th amendment ratified. Under the protection of the federal government every man, black or white, who went to the polls, cast his ballot without let or hinddrance.

On Feb. 26, 1869, Congress passed the 15th amendment, by which impartial suffrage became the fundamental law of the country.

Any one who will read the *Congressional Globe* of the reconstruction period, or the more accessible work of Mr. Blaine referred to above, may learn that the suffrage was not conferred upon the negro in order to humiliate the rebels; was not hastily accomplished, and was not, as you seem to think, the outcome of "a purely political interest based on a desire to secure votes for their [Republican] party and maintain it in control of national affairs." The record shows that it was arrived at only by slow and well-considered steps, and was only resorted to after white rule had been patiently tried and had failed. To what extent Congress, in its decision, was inspired by politcal partisanship may be inferred from a letter addressed to and published by the Boston *Herald* on May 19, 1900,

by the venerable ex-Secretary George S. Boutwell. As much of this letter as is necessary for the purpose follows:

"Permit me to say that you err in an editorial article of this date, entitled 'Objectionable Partisanship,' in a sentence which I quote, as follows: 'There was a plan in the Republican party, after the Civil War was over, to utilize the colored vote of the South to procure its own political control in that section.'

"As I was a member of the committee that reported the 14th amendment to the constitution, and as I was also a member of the committee that reported the 15th amendment, I have the means of knowing that the purpose indicated in the sentence quoted was not entertained by either committee, nor was it suggested by any member of either committee. If it had been the purpose of the Republican party to obtain political control in the states that had been in rebellion, an expedient method was open before them. It was in the power of the Republican party at that time to have disfranchised all the men who had been employed in the confederate armies, or to have disfranchised large numbers of persons who in one way or another, had contributed to the rebellion. By the 14th amendment a few official persons were disfranchised upon the condition that they could be restored to a full citizenship upon application to Congress and by a two-thirds vote.

"The history of what occurred shows that all those who made application were restored without delay and without controversy. The object of the amendments was this, and this only: to secure to the colored population of the country, North as well as South, an equality with the white population to the privilege or right of voting. It was known to the committees and to Congress that it would be in the power of states to provide a property qualification for all persons, black and white alike, or an educational test to all persons, black and white, and that such regulations would be beyond the control of the courts. When the amendments were proposed and adopted, it was known that Massachusetts had an educational test, and there was no thought on the part of any one that such a test would be invalid under the proposed amendments."

This testimony by such a witness ought to end forever the modern attempts to belittle the motives of the great statesmen responsible for negro suffrage, and who, in the opinion of some of us who lived in those stirring times, were guided by a lofty feeling of patriotism, a solemn sense of duty, and a wise understanding of the questions of the hour. You believe they made a "mistake." We believe their act was necessary for the establishment and preservation of a republican form of government throughout the

Union, the protection of the negro and the development of a higher civilization in the South. It would be taking too much of your valuable space to recite here what the bestowal of full citizenship upon the negro has accomplished for him and for the nation, notwithstanding the bitter opposition to his participation in politics, even simply as a voter.

The judgment of posterity, I believe, will be that it was not only a necessary act of justice, but was a measure of the highest statesmanship. That the constitutional amendments will be repealed I have no fear. That they will be ultimately enforced I firmly believe. The folly of calling the adoption of the amendments bearing upon reconstruction a mistake will, in the progress of events, be fully realized. If a mistake was made, it was not when the loyal freedman was enfranchised, but when full political rights were restored to unrepentant rebels, who, though no longer slaveholders, were themselves still under bondage to the spirit of slavery. Recently it has become almost a "fad"—I use the term because the assertion is not to be taken seriously—to assert that negro suffrage is a failure, and apparently the public is expected to accept the statement as a self-evident proposition, for no one takes the trouble to furnish the evidence.

Until it is furnished, let me suggest as an antece-

dent, if not a counter proposition much more in accordance with the facts of history, that in the South *white* suffrage is comparatively a failure. Most certainly the whites have not attempted to utilize the ballot as a means to develop either in themselves or in the freedmen a higher appreciation of the responsibilities of a citizen. Too many of them have used it—supplemented by fraud, persecution, terrorism, violence and murder—as a potent weapon in their effort to degrade the negro to the condition of social servitude.

NEGRO SUFFRAGE JUSTIFIED.

To the Editor of the Herald:—

In a letter published in the *Herald* March 11, I attempted to show that the incorporation of impartial, or, as it is better known, negro suffrage, in the organic law of the United States was not only an act of justice, but of political necessity.

What would have occurred had military rule been established and maintained in the South until social conditions improved and both freedmen and white men were better fitted for self-government is now a matter of pure speculation. The plan was repugnant to public sentiment North and South, and was necessarily abandoned.

The disloyal attitude of the ex-rebels toward the federal government and their passionate determination to deny all civil and political rights to the negro, revealed by the debates and the acts of the provisional conventions and legislatures, made it impossible for Congress to restore exclusive political power to white men. If inference based upon initial experiment and existing social and political conditions is ever warranted, it is safe to assert that, had the reor-

ganization of the rebel states been intrusted exclusively to white men, the resuscitation of the doctrine of state rights and the practical re-enslavement of the negro would have resulted. In that event the immense waste and destruction of property incident to the civil war, the devastation of homes, the frightful loss of life, the horrors of Andersonville and Libby prisons, would have gone for naught. Let us say, rather, they would have stood for all time as the ghastly record of a national crime. There would have been an unholy renewal of the old Union only to be dissolved a second time, and not to be permanently renewed until the fundamental law was made to govern and protect impartially every citizen without regard to race, color or previous condition.

The negro was emancipated from slavery by the war. His enfranchisement was not a "mistake," as you and many others believe. It was the inevitable sequence to his emancipation and its necessary confirmation. Neither has it been a "failure" unless in the sense that all suffrage is a failure,—a proposition from which, were it under discussion, I should earnestly dissent.

It is true that the Democrats of several southern states, by a resort to persecution, terrorism, and murder, have succeeded to a great extent in keeping colored men from the polls, or, when they have allowed them

to vote, have nullified their votes by ballot box stuffing, dishonest counting, and other fraudulent methods. You may call this negro suffrage. I do not. I call it white suffrage prostituted to criminal uses, the mildest of which would justify the disfranchisement of the guilty parties. Negro suffrage in the North is a succcess. In the South it is not fully or fairly tried. Compared, however, with white suffrage in that section, notwithstanding the brutal and senseless obstacles it has encountered, it has justified a hundred-fold the action of the statesmen who are responsible for both. Let us test this statement by a reference to that part of the political history of South Carolina pertinent to the subject, recorded in "Governor Chamberlain's Administration in South Carolina," and other histories of the reconstruction period.

Under the authority of an act of Congress passed March 2, 1867, and supplemented by an act passed March 23, 1867, the male citizens of the State, 21 years of age and upward, of whatever race, color or previous condition, were asked to vote for or against calling a convention for the purpose of framing a constitution and civil government. In October, 1867, a registration of voters showed a total of 127,432, of whom 46,882 were whites and 80,550 were blacks. The vote was taken in the following November. Exactly 2,350 white men voted for and 2,278 against holding a con-

vention; that is, about 90 per cent. of the registered white voters sullenly stayed away from the polls, and, of the remaining 10 per cent., nearly one-half emphasized their hatred of the federal government and of the negro as a citizen by opposing the convention. Of those who voted for it a large number, probably a majority, were "Yankee carpet baggers." Of those who voted against it, undoubtedly every one was a native white man. Most of those who abstained from voting did so for the avowed purpose of defeating the convention, for by the act of Congress under which the vote was taken it was "provided that such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention." Of the blacks 66,418, or about 83 per cent. of those registered, voted solidly for the convention. Not a single colored vote was recorded against it. Of the delegates chosen, 34 were whites and 63 were blacks; in other words, the 2,350 white men who together with 66,418 colored men called a convention, were accorded over 35 per cent. of the entire delegation. This generous allotment certainly does not suggest any conspiracy to secure negro supremacy.

It is frequently said that the significantly small white vote for the convention was due to the disfranchisement of a large number of men by Congress for

their participation in the rebellion. Let us examine this plea.

It is true that the act of disfranchisement was very sweeping, but it is also true that every man could have had the full rights of citizenship restored to him at any time by a simple application to Congress.. Such applications were frequently made and, so far as I am able to ascertain, not one of them was ever refused. By an amnesty act passed by Congress May 22, 1872, the disabilities of every one were annulled except in the case of a few leaders. At the time when the constitutional convention was called, the number disfranchised in South Carolina was 8,244. Had all of these men been registered voters and voted for the convention, the total number of whites in favor of it would have been 10,594 or less than one-fifth of those registered, but it will be admitted that such an assumption is entirely unwarranted, for there is no reason to believe that even a small proportion of them would have sympathized with the negroes and carpet baggers or pursued any course different from that of the overwhelming majority of the native whites who either refused to vote or voted against the convention.*

*General Wade Hampton, referring to the mistakes made by the whites, said that "greater than all others was the legislation ratifying the amendment of the United States Constitution known as Article 13." (This is the great amendment by which slavery was forever prohibited in the United States.) Hampton further advised that "every man should register and cast his vote against the convention." Appletons' Annual American Cyclopædia, 1867, p. 697.

Hampton became governor in 1876, and subsequently was a United States senator.

The convention was held and a new constitution framed which compares favorably with that of Massachusetts or any other state. It was adopted by a large majority vote at a popular election in April, 1868, all state officers to initiate its operation being elected at the same time. At this election 35,551 did not vote; the minority polled 27,288 votes for the rejection of the new constitution, but they were of no avail against the 70,758 ballots in favor of it, of which it is safe to say 90 per cent. were cast by colored men. The new state officers, most, if not all, of whom were white men, took office July 9, 1868, and the first Legislature assembled on the same day. The Senate consisted of 33 members; 24 of them, including seven Democrats, were white men and only nine negroes. This gave the whites a majority of 15. The House of Representatives consisted of 124 members; 48 of them, including 14 Democrats, were white men and 76 were colored men—a negro majority of 28. On a joint ballot the blacks had a majority of 13.*

*The preceding statistics, including those of registration, can be found in McPherson's History of the Reconstruction, p. 374. Some of them differ from those quoted by me in the *Herald*. I substitute them though they may be inaccurate because in some respects they are more creditable to the white citizens of South Carolina than those originally used. The latter were quoted from Allen's Governor Chamberlain's Administration in South Carolina, pp. 5 and 6. Mr. Allen reports the registration of whites, 46,346; of colored, 78,982. At the election for the convention he states that there were 68,876 colored votes for the convention; 2,081 whites voted against it; only 130 whites voted for it. These figures correspond with those given in Appletons' Annual American Cyclopædia, 1867, pp. 697 to 700, and are probably correct.

Thus ended the first chapter in the history of impartial manhood suffrage in South Carolina. The ballot restored to the whites proved to be a dismal failure for the purposes of reconstruction. Out of a registration of 46,882 only about five per cent. for a constitutional convention! Does not this tell the story? On the other hand, the wisdom of negro suffrage was completely vindicated. The first use made of it was to put South Carolina back into the place made vacant when she fired on Fort Sumter and inaugurated the rebellion. The southern confederacy was destroyed by force of arms in the hands of federal soldiers. The Union was restored by the force of the ballot in the hands of the loyal negro.

Had the intelligent and educated white men of South Carolina loyally accepted the invitation of Congress to aid in the formation of a new government, the record of the six years following the assembling of the first Legislature might have made one of the brightest pages in the history of the state, but they refused. They either sulked or actively opposed every effort to accomplish a reconstruction that did not recognize the old fetich of state rights and restrict the negro to social servitude. By humane and fair treatment they could easily have won and retained the confidence of the colored man, but by harsh, cruel and contemptuous treatment they taught him to fear and distrust them.

Easily and naturally, very many of the freedmen adopted the standard of political morality set for them by the more intelligent, experienced and unscrupulous white men who entered the political field. The state government from 1868 to 1874 was composed of honest and dishonest men of both races. Some of the whites were from the North and others were of the South. The bad men of both races prevailed, and for a few years extravagant expenditure, bribery, corruption and robbery were the rule rather than the exception. During the four years' administration of Gov. R. K. Scott the funded debt increased about $13,000,000. Few public works of importance had been begun or completed. The increase largely represented theft, profligate current expenditures and, as a consequence, oppressive taxation. The succeeding administration of Gov. F. J. Moses, Jr., is said to have been even worse than that of Scott. Moses was a native of South Carolina and was known to be a thief. His election was opposed by the Republican bolters, led by Hon. Reuben Tomlinson, a Philadelphia Quaker and as honest a man as was ever brought up under the influence of Quakerism. Here was another opportunity for the native whites to help redeem the state, but such was their hatred of the Republican carpet bagger that they openly said they "preferred a native thief to an honest Yankee." Tomlinson received 35,000 votes.*

*Hon. Reuben Tomlinson in the Boston *Evening Traveller*, Oct. 31, 1877.

In 1873, during the Moses administration, the public funded debt, amounting to $17,445,000, was divided into two parts; $11,480,000, called valid, was scaled 50 per cent. upon the ground of inability to pay; $5,965,000 was declared to have been "put on the market without any authority of law" and to be "absolutely null and void." Apparently, public sentiment, without regard to race or party, approved this measure.

It is unnecessary to give an account here of the corruption under what was known as negro rule down to 1874 inclusive. As has been shown, the whites had a majority in the Senate and a large minority in the House. The corruption was shared by whites and blacks. The whites, being better educated, were therefore the more guilty. It is manifestly unfair to ascribe this political degradation to negro suffrage and not to admit that white suffrage was fully as responsible. In my judgment it was in part due to the disloyal failure to vote of a large number of the white men of the state that enabled scoundrels to obtain political control for a time and to practise fraud only less disgraceful to our American civilization than the slave driver's whip and the human auction block that had so recently been abolished.

Daniel H. Chamberlain succeeded Moses as Governor in December, 1874. He was a Republican

carpet bagger, and had held the office of attorney-general of the state during Gov. Scott's administration. With the advent of Gov. Chamberlain a new Legislature was elected. The Democratic vote was much larger than at any previous election. The House had 124 members; of these 63, including 42 Democrats, were white, and 61 were colored men, the latter all Republicans; a white majority of two. The Senate had 33 members. Of these 17, including 11 Democrats, were whites and 16 were colored men; a white majority of one. Thus, it will be seen that the two races were about equally represented in both branches. In point of intelligence and ability the colored leaders were quite equal and often superior to the white leaders of either party.

Gov. Chamberlain was a man of splendid ability, of absolute integrity and great resolution. In his inaugural address, referring to the reform pledges made by his party during the campaign, he appealed to the Legislature to redeem them and promised his hearty co-operation. From the very beginning and down to the end of his administration, the corrupt wing of his own party bitterly denounced and opposed him, but it was generally defeated, sometimes by his use of the veto power, and at others by the majority votes of the Legislature. During his whole term of office he was warmly indorsed by almost the entire

Democratic press of the state. The Charleston *News and Courier*, which then had a larger circulation and greater influence than perhaps all of the other newspapers of the State combined, was his especial champion. In the month of July, 1876, it published a series of very long articles, ten in number, in which, in glowing terms, it named specifically the many reforms that had been accomplished. The list was, in part, as follows:

The contingent funds of the executive department, legislative expenses, legislative contingent expenses, cost of public printing, salaries of public officers, tax levy for the current year, etc., etc., have been reduced.

In the expenditure of contingent funds accountability and publicity have been secured.

The abuse of the pardoning power has been corrected.

The character of the officers of the government appointed by the executive has been improved.

The tax laws have been amended so as to secure substantial uniformity and equality in the assessment of property for taxation.

The settlement of the public debt has been maintained unchanged, and faith with the public creditor, so far as dependent upon the executive and legislative action, has been fully kept.

Gov. Chamberlain richly deserved all the praise awarded him. The Legislature, however, was declared by the *News and Courier* to be "fully as corrupt and demagogical as any of its predecessors." This charge cannot be sustained. Unquestionably the legislative leaders of the corrupt wing of the Republican party were very unscrupulous men, and had a powerful influence over the rank and file. This was especially true of some of the colored leaders, but by the confession of the *News and Courier* "back of the executive was a body of patriotic Democrats and stanch Republicans." In its list of the misdeeds of this Legislature there is not one charge of robbery. Most of them were deeds of omission rather than commission. They are called "blunders in a party sense worse than crimes."

Under the intelligent, honest and courageous leadership of Gov. Chamberlain the political atmosphere of South Carolina was fast being cleared, and the wisdom of impartial or negro suffrage was being rapidly vindicated. The Bourbon or "Straight-out" section of the Democratic party was confounded by the prospect of a successful and prosperous administration of political affairs by the Republican party, composed as it was so largely of negroes, and, taking advantage of popular indignation over the appointment by the Legislature to judicial office of two very disreputable

men, one a colored man named Whipper, and the other, ex-Gov. Moses (they never became judges, for the Governor refused to sign their commissions), it determined to reorganize the party and to make party nominations for the incoming state government with the hope of recovering control of the state. Fortunately for the Democrats, the presidential election was at hand, and they had the support of their northern allies, who regarded the electoral vote of South Carolina as necessary to the election of Samuel J. Tilden, the Democratic candidate for the Presidency.

They were vigorously opposed by the conservative Democrats, led by the Charleston *News and Courier*, who pleaded with them in behalf of the honor and the best interests of the state not to oppose but to support Mr. Chamberlain, whose nomination for a second term by the Republicans was assured. The Bourbon strength, combined with that of the national Democratic party, overpowered the conservatives, and Wade Hampton was nominated for the Governorship. Unequal to the occasion, the conservatives, including the powerful *News and Courier*, fell into line, and maintained their party allegiance. Race hatred, fraud, brutality, terrorism and murder were revived. Alluding to the campaign Gov. Chamberlain said: "I denounce the conduct of the recent

election on the part of our political opponents in this state as a vast brutal outrage. Fraud, proscription, intimidation in all forms, violence—ranging through all its degrees up to wanton murder—were its effective methods."

Notwithstanding the infamous methods of the Democrats, they were unable to overcome entirely the majority of 30,000, that under honest and peaceful conditions belonged to the Republican party, and the state remained in the Republican column. The electoral vote went to Rutherford B. Hayes, the Republican candidate for the presidency, and the gubernatorial vote to Gov. Chamberlain. The Democrats, however, claimed the election, and the bitter contest that followed resulted in a compromise. The electoral vote was given to Hayes. Gov. Chamberlain and the Republican party of South Carolina were betrayed and sacrificed, it is alleged, by Hayes through the mediation of his political friends. At all events, soon after the inauguration of President Hayes, all federal support of Chamberlain was withdrawn. He was compelled to yield, and Wade Hampton was duly recognized as Governor. It was understood that Hampton had 20,000 armed men behind him, eager to overthrow the Republican state government the moment it was deserted by the newly elected Republican President.*

*Hon. Reuben Tomlinson in the Boston *Evening Traveler*, Oct. 31, 1877.

Thus ended the second chapter of the history of negro or impartial suffrage in South Carolina. Its successes and its failures are to be credited and charged alike to both races. The negro can well afford to challenge a comparison of his record during that period, as a voter, a legislator, and an office-holder, with the record of the white man. It is true they shared the responsibility for fraud and corruption, and for his part in it the negro must stand condemned. But the fraud, and corruption, and theft, of which he was guilty, were mere political *finesse* and petty larceny when compared with the colossal fraud and wholesale robbery that are now the rule rather than the exception in so many of our state and municipal governments. Judged by the same tests, he was then and is now as well fitted for the suffrage as millions of other American voters, the mere suggestion of whose disfranchisement would be regarded with indignation and horror by the same men who parade the negro's alleged low standard of political morality and lack of intelligence as conclusive evidence of his incapacity for self-government.

The South Carolina freedman's political record, questionable as some of it may be, was fully as good as any one had a right to expect, and was better than that of many white communities to-day. It certainly was as good as that of the white men of the

state during the same period and was better than that of the whites since then. The negro used his political power to restore South Carolina to the Union. He annulled bonds issued by the rebel state government to maintain the rebellion. He abolished the whipping post and other barbarous forms of punishment which previous white state governments had established. He reduced capital felonies from about twenty to two or three. He amended and improved the marriage laws with reference to negroes passed by the white legislature in 1865 and 1866. His amendments legalizing former slave marriages were wise and important contributions to the development and maintenance of social order. He changed or modified laws controlling juries by opening the jury box to thousands of white men as well as to colored men who had been debarred from it by property qualifications. He amended laws under which town governments could borrow money at any rate of interest the council saw fit to pay. Some of the towns paid as high as 20%. He prohibited them from borrowing at a greater rate of interest than 5%. He limited the control of the state treasurer over the state funds by passing an act making specific levies and collections of taxes for specific appropriations. By his acts of financial reform he transmitted to the Hampton government in 1877 an indebtedness which was only

$2,500,000 greater than the bonded debt of the state before the Republican party took charge of the state government in 1868. During the few years of his active political career he built school-houses, established charitable institutions, built and maintained the penitentiary system, provided for the education of the deaf and dumb, rebuilt the jails and court houses, rebuilt the bridges and re-established the ferries. The whites had always regarded the public school system of the North with contempt. The freedman introduced and established it, and it stands to-day a living testimony to his faith that education is necessary to social welfare.* As a legislator he never discriminated against either race or class. His legislation, good or bad, applied equally to every citizen of the state. Whatever political power he had he shared fairly with white men, and there is not a shred of evidence that he ever seriously attempted to establish negro supremacy as is so frequently alleged.†

At the close of 1876 Gov. Chamberlain declared

* In 1870 the whole number of free common schools within the state was 769; the number of pupils in attendance was 30,448. In 1875 the number was 2,580, and the attendance 110,416. "Appleton's American Annual Cyclopædia," 1874, p. 773; 1875, p. 705.

† For a part of this summary of "negro legislation" read Judge A. W. Tourgee and the speech of the Honorable Thomas E. Miller, one of the six negro members of the South Carolina constitutional convention held in 1895 for the purpose of disfranchising the negro — quoted in a pamphlet entitled "The Disfranchisement of the Negro" by John L. Love, pp. 10–13, published by the American Negro Academy, Washington, D.C.

his confidence not only in the "capacity" of the negro, but in his loyalty "to the demands and necessity of good government in South Carolina." The negro fully justified that confidence by indorsing Gov. Chamberlain's reform administration, and by nominating and re-electing him Governor for a second term, notwithstanding the fierce opposition of the corrupt wing of the Republican party and the brutal and murderous campaign methods of the Democrats.

The downfall of Chamberlain and the restoration of white supremacy sounded the death-knell of personal and political liberty in South Carolina. Under white supremacy the 15th Amendment of the constitution of the United States has been nullified by dishonest and tricky legislation and the negro has been practically disfranchised, regardless of character or qualification. No white man to-day, as I know from personal experience, can visit that state and habitually treat the colored man as an ordinary citizen of the United States without making himself liable to insult and cowardly assault. Having vindicated his right to the suffrage, the negro for over thirty years has carried on an unequal struggle to maintain it against force and fraud and race prejudice. The outlook at the moment is dark and discouraging, but he will triumph in the end. His rapid advance in the development of character and his acquisition of

all the qualities that conduce to good citizenship are a guarantee of his ultimate success. Exclusive white suffrage is doomed. It must fall before the demand for a higher and more humane civilization. How much lower down it will drag the state before it is relegated to the list of political and social iniquities, who can tell! It placed James H. Tillman in the second office of the state, from which he has recently resigned because he shot to death an unarmed political opponent in the open street. It has sent to the United States Senate the political boss of the state, an unscrupulous and brutal politician, the Honorable Benjamin R. Tillman.

One would think the lowest depth had already been reached.

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